

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. 10/765,794  
Applicant: Roger T. Simpson et al.  
Filed: 01/27/2004  
Title: PHASER WITH A SINGLE RECIRCULATION CHECK VALVE  
AND INLET VALVE  
Art Unit: 3748  
Examiner: Eshete, Zelalem  
Confirmation Number: 2480  
Attorney Docket No.: BW.DKT02190

HONORABLE COMMISSIONER OF PATENTS  
Alexandria, VA 22313-1450

**RULE 1.132 AFFIDAVIT**

1. I am a joint inventor of the above referenced patent application and have signed this affidavit on my own behalf.
2. I am also a joint inventor of US 6,453,859, cited against and relied upon in a rejection of the present application.
3. I unequivocally state that I was the sole inventor of the use of a single check valve for recirculation of fluid for use during cam torque actuation in a variable cam timing phaser as shown in Figures 8 through 13 of US 6,453,859 (hereafter be referred to as "the subject matter").
4. The subject matter was disclosed but not claimed in US 6,453,859.
5. With the subject matter attributed to me, the rejection of the present application over US 6,453,859 should be removed.

I hereby declare that all statements made herein of my own knowledge are true and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Marty Gardner

Marty Gardner

19 June 06

Date